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August 17, 2021

The Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

MEMO ENDORSED

BY ECF TRANSMISSION

Re: *Seife v. U.S. Food & Drug Administration*, 1:15-cv-05487-LTS; unopposed request for extension of deadlines to file attorney fee petition and notice of taxation of costs.

Dear Judge Swain:

I write respectfully to request an extension, until November 24, 2021, of the deadline to file Plaintiff's notice of taxation of costs and petition for attorney fees. Currently, based on the August 10, 2021 entry of Judgment in this case, dkt. # 85, Plaintiff's petition for attorney fees is due August 24, 2021 whereas the notice of taxation of costs is due September 9, 2021, by operation of FRCP 54(d)(2)(B)(i) and LR 54.1(a), respectively. In the event that either party appeals the Court's decision, we propose that the deadline be extended to 60 days after the mandate is returned from the Court of Appeals.

I have conferred with FDA's counsel, Jean-David Barnea and can represent to the Court that Defendant does not oppose this request.

This request is made to allow the parties time to explore the possibility of a negotiated resolution of the cost and attorney fee issue in this case.

I thank the Court for its consideration of this request.

Sincerely,

s/David Bahr
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The foregoing request for an extension, until November 24, 2021, of the deadline to file Plaintiff's notice of taxation of costs and petition for attorney's fees is granted on the basis that Plaintiff has demonstrated good cause for the extension of time for the reasons explained above. Plaintiff's request for a subsequent extension in the event that either party appeals this Court's decision is denied without prejudice to renewal should either party file a notice of appeal. Dkt. Entry no. 86 resolved. SO ORDERED. 8/17/2021
/s/ Laura Taylor Swain, Chief USDJ

Cc: AUSA Jean-David Barnea, *Defendant's Counsel* (via ECF and email).